



UNITED STATES PATENT AND TRADEMARK OFFICE

ST
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,352	02/28/2000	Gunji Tsukuda	NIT-84-02	8320

24956 7590 07/16/2002

MATTINGLY, STANGER & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/514,352

Applicant(s)

TSUKUDA, GUNJI

Examiner

JAGDISH N PATEL

Art Unit

3624

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 February 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2 and 4 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2 and 4 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. 08/975,227.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

The specification contains numerous grammatical errors as shown in the following examples:

The specification refers to terms “noticing” and “noticed” (examples p. 6 L 11-12 read “..step of *noticing* of a list of available date...”, p. 11 L 14-15 read “..they are *noticed* or inputted..”). Note that claims have been amended to correct similar deficiency. L 23-24 read “ ...an *arrival of an agent server* in the above ...”). This renders the statement unclear.

The applicant is required to review entire content of the specification, including the drawings to ensure that all grammatical errors are corrected.

Claim Objections

2. Claim 4 is objected to because of the following informalities: “data and time” in last line on amendment p. 7 should read “date and time”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites a limitation Means for managing commission on the delivery goods by the agent. Note that this limitation recites an element of an apparatus (a distribution server).

However, the specification fails to support this limitation. In fact contrary to the recitation of the claimed “means managing commission” is a constituent element of the agent server (see abstract, p. 15 L 19-24). Also refer to claim 2 limitation reciting “an agent server”.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

Claim 4: Means for processing of the scheduled information received from the client in limitations “means for requesting a scheduled information to said client” and “means for receiving said scheduled information from said client”.

Claim 2 fails to recite relationship of the “means for determining data and time..” and “means for notifying of arrival and departure..” to “a distribution server and/or “an agent server”

limitations. Furthermore, the limitation "means for notifying of arrival and departure" recite the notifying process "to and from the agent to the receiver ". However, the claims do not recite limitation which would provide "arrival and departure of delivery goods" data to either the agent or the receiver that would enable the functionality recited herein.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Witt, Clyde E. (Kmart's New Distribution, Quick response in Action), discloses a merchandise distribution system used in retail environment using electronic data interchange(EDI).

ROSS (WO 94/27264) teaches an apparatus and method of an electronic complex associated with a carrier of items to be delivered at unscheduled times to recipients.

Vanpoucke US-PAT-NO: 5262939 teach a system for processing parcel shipping.

Pintsov US-PAT-NO: 5612889 teaches a Mail processing system with unique mail piece authorization assigned in advance of mail pieces entering carrier service mail processing stream.

Shinagawa et al US-PAT-NO: 5897629 describe an apparatus for solving optimization problems and delivery planning system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**

Application/Control Number:
09/514,352
Art Unit: 3624

Page 5

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7th Floor, Alexandria VA 22202.



Jagdish N. Patel

(Examiner, AU 3624)

July 11 2002